

Court of Appeals, State of Michigan

ORDER

In re Harris/Bailey Minors

Docket No. 268395; 268396; 268815

LC No. 04-427241-NA

E. Thomas Fitzgerald
Presiding Judge

Jane E. Markey

Michael J. Talbot
Judges

The Court orders that the October 12, 2006, opinion is hereby AMENDED. The opinion contained clerical errors in the statutes cited in the first paragraph:

In these consolidated cases, respondent Donell Harris appeals by right the termination of his parental rights to his children Dayshaun and Daijanae pursuant to MCL 712A.19b(3)(c)(g) and (i), respondent Damon Bailey appeals by right the termination of his parental rights to his child Da'onna pursuant to the same subsections, and respondent Karolyn West appeals by right the termination of her parental rights to all three children pursuant to MCL 712A.19b(3)(c)(g), (i), and (j). We affirm.

The corrected statutory citations should read as follows:

In these consolidated cases, respondent Donell Harris appeals by right the termination of his parental rights to his children Dayshaun and Daijanae pursuant to MCL 712A.19b(3)(c)(i), and (g), respondent Damon Bailey appeals by right the termination of his parental rights to his child Da'onna pursuant to the same subsections, and respondent Karolyn West appeals by right the termination of her parental rights to all three children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

In all other respects, the October 12, 2006, opinion remains unchanged.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

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Date

Sandra Schultz Mengel
Chief Clerk

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAYSHAUN D. HARRIS and
DAIJANAE M. HARRIS,

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DONELL HARRIS,

Respondent-Appellant,

and

KAROLYN MARIE WEST and DAMON
BAILEY,

Respondents.

In the Matter of DA'ONNA N. BAILEY, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DAMON BAILEY,

Respondent-Appellant,

and

KAROLYN MARIE WEST and DONNELL
HARRIS,

UNPUBLISHED
October 12, 2006

No. 268395
Wayne Circuit Court
Family Division
LC No. 04-427241-NA

No. 268396
Wayne Circuit Court
Family Division
LC No. 04-427241-NA

Respondents.

In the Matter of DAYSHAUN D. HARRIS,
DAIJANAE M. HARRIS, and DA'ONNA N.
BAILEY, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KAROLYN MARIE WEST,

Respondent-Appellant,

and

DONNELL HARRIS and DAMON BAILEY,

Respondents.

Before: Fitzgerald, P.J., and Markey and Talbot, JJ.

PER CURIAM.

In these consolidated cases, respondent Donell Harris appeals by right the termination of his parental rights to his children Dayshaun and Daijanae pursuant to MCL 712A.19b(3)(c)(g) and (i), respondent Damon Bailey appeals by right the termination of his parental rights to his child Da'onna pursuant to the same subsections, and respondent Karolyn West appeals by right the termination of her parental rights to all three children pursuant to MCL 712A.19b(3)(c)(g), (i), and (j). We affirm.

Respondents contend that the trial court erred in finding that clear and convincing evidence supported termination of their parental rights. We disagree. The children were removed from respondent West's care after Daijanae suffered serious burns and Da'onna tested positive for marijuana at birth. All respondents thereafter were offered numerous services, and after respondent West showed some progress, the children were returned to her care. Respondent West resumed her use of illegal drugs, however, and the children were again removed from her care. Respondents again were offered services, including substance abuse treatment for respondent West, but no respondent complied with the agency's treatment plan. At the time of termination, none of the respondents had adequate, independent housing, steady

employment, or any prospects of obtaining either. Respondent West had not adequately addressed her substance abuse and maintained that her daily marijuana use did not affect her ability to parent the children. All evidence indicated that no respondent was likely to be able to provide an adequate stable home or support for the children in the foreseeable future. The trial court did not clearly err in finding that clear and convincing evidence warranted termination under the statute. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

For the same reasons, the record also supports the trial court's finding that termination was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo, supra*. Although respondent Harris visited regularly with his children, was appropriate with them, and was bonded with them, he had done nothing to provide a home for the children and had no plan for doing so. Similarly, respondent Bailey had visited regularly with his daughter, but he had never provided a home for her or supported her, and he made no efforts to demonstrate that he would be able to do so in the future. Finally, ample evidence supported the finding that respondent West had failed to take the necessary steps to have the children returned to her. Her bond with the children did not outweigh her total lack of effort to address her substance abuse or to provide a suitable home for the children.

We affirm.

/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey
/s/ Michael J. Talbot